



Rev.Aplw.(MD)No.30 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

REV.APLW(MD)No.30 of 2021
and W.M.P.(MD)Nos.7905 to 7907 of 2021

1.Chinnamani
2.C.K.P.@ Muthuvel

... Petitioners

Vs.

1.S.Subramanian
2.The District Collector,
Pudukottai District,
Pudukottai.
3.The Revenue Divisional Officer,
Pudukottai.
4.The Thasildar,
Pudukottai Taluk,
Pudukottai District.
5.Tamilarasu Asari

... Respondents



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WEB COPY PRAYER : Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C. r/w Article 226 of the Constitution of India, to review the order passed in W.P. (MD)No.13729 of 2019, dated 31.03.2021.

For Petitioners : Mr.Niranjana S.Kumar
For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R2 to R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Review Application has been filed to review the order passed in W.P. (MD)No.13729 of 2019, dated 31.03.2021.

2. According to the writ petitioner / first respondent herein, there is a Vari / Channel in S.No.448/1 of Perungalur Village, Pudukkottai Taluk and District and the respondents 4 to 6 therein have made encroachment in the aforesaid survey number and hence, the writ petitioner / first respondent herein



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has filed a writ petition in W.P.(MD)No.13729 of 2019, seeking for a direction to remove the aforesaid encroachment. This Court, by order dated 31.03.2021, has passed the following order:

“3.Thus, it is a case of both the Block Development Officer and the respondent No.3 passing the buck to each other without taking any action. The petitioner has been approaching the respondents for more than a decade. Therefore, it is a clear case of official apathy and acting in collusion to protect the encroachment. Despite notice served and the vakalat filed, none appears for the respondents 4 to 6.

4. In such view of the matter, we call upon the respondent No. 3 and the Block Development Officer, Pudukottai to carry out the eviction proceedings against the encroachers by following the procedure in accordance with law within eight weeks from the date of receipt of a copy of this order.”

As against the said order, the review petitioners have filed this review application.



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3. The only ground raised in this review application is that the writ petitioner / first respondent has not disclosed the fact that the review petitioners have filed suits in O.S.Nos.201 and 199 of 2015, on the file of the District Munsif Court, Pudukottai, for permanent injunction restraining the revenue official from interfering in their peaceful possession and enjoyment and on 20.06.2018, ex-parte decree was passed in favour of the review petitioners. The learned counsel appearing for the review petitioners submitted that the review petitioners have engaged a counsel in the writ petition and filed vakalat to represent the facts before this Court. But, unfortunately, the counsel was absent on the date of hearing and he could not represent the facts before this Court. Taking advantage of the absence of the counsel for the review petitioners, the writ petitioner as well as the official respondents had deliberately suppressed the civil suits and obtained the order of eviction behind the back of the review petitioners and hence, order passed by this Court in W.P.(MD)No.13729 of 2019 is liable to be interfered with.



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4. The learned Government Pleader appearing for the official respondents submitted that the review petitioners have filed the suits for permanent injunction for illegally entering into aforesaid survey number, which is classified as Government Poramboke Vari and therefore, the ex-parte order passed in the said suits will not stand on the way to the respondents to take action for removal of encroachment by following due process of law and hence, prays for dismissal of this review application.

5. On a perusal of the order passed in W.P.(MD)No.13729 of 2019, dated 31.03.2021, it is seen that the Division Bench of this Court has directed the Block Development Officer, Pudukkottai to carry out the eviction proceedings against the encroachers by following the procedure in accordance with law. Therefore, we are of the view that when such an observation was made in the writ petition, we are unable to accept any other grounds raised in the review application and hence, the same is liable to be dismissed.



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6. Accordingly, this Review Application is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]
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Index : Yes / No
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